

MANDATORY ARBITRATION NOTICE

REGARDING ARBITRATION _____ VS _____

FROM: ARBITRATOR _____

TO: ATTORNEYS FOR LITIGANTS King County No: _____

SCHEDULE

(a) Date and time of hearing _____

(b) Place of hearing _____

(c) Estimated length of hearing _____ hours

(d) Deadline for filing the prehearing statement under
MAR 5.2 with the arbitrator _____

(e) Person to call: _____ Phone: _____

(f) **A party who fails to participate, without good cause, waives the right to a trial de novo. (MAR 5.4) Terms may also be imposed under LMAR 3.2.**

SUGGESTIONS, REQUESTS AND DIRECTIONS TO COUNSEL IN ARBITRATION

1. **USE OF THIS MEMO:** This memo may help you prepare for this hearing.

2. **MOTIONS AND OTHER CONTACTS WITH ARBITRATOR:** Prehearing motions should be directed to the arbitrator with the exception of MOTIONS REGARDING ARBITRABILITY (MAR 2.1, 2.2); SUMMARY JUDGMENT OR INVOLUNTARY DISMISSAL; TO CHANGE OR ADD A PARTY (MAR 3.2); OR TO DISQUALIFY AN ARBITRATOR (MAR 3.2). These motions shall be decided by the court. Any motion or other pretrial discussion shall be arranged through _____ of my office. All contacts of any kind with me, including motions, may be done by conference call. Our preference is to conduct such a call at _____ a.m. if possible.

3. **PREHEARING STATEMENT, FILINGS, EVIDENCE:** I would urge you to take advantage of LMAR 5.3 (d), which presumes certain documents admissible if served upon all parties at least 14 days prior to the hearing along with your prehearing statement. (See LMAR 5.3 (d) for the exact steps necessary to comply.) All documents served in compliance with this rule will be accepted by me as your exhibits with no need to supply original nor special marking. They will come into evidence as a packet at the commencement of the hearing, and I will not return them after the hearing unless specifically requested to do so.

4. **BRIEFING:** Briefs together with highlighted copies of cited authorities should be provided to me no later than one (1) working day prior to the hearing.

5. **LENGTH OF HEARING:** Unless informed otherwise, I anticipate approximately four (4) hours as the maximum time necessary for the hearing on this matter. Any help counsel can provide in preparing and presenting evidence by stipulation will aid in saving hearing time, attorney's fees and reducing the time required for decision.

6. **TECHNOLOGY:** Please make arrangements in advance for monitors etc.

7. **SETTLEMENT:** Please advise my office **and** the Arbitration department if a settlement is reached prior to the scheduled hearing date, and confirm that settlement in accordance with LMAR 4.4.

8. **ATTORNEY FEES:** The arbitrator has the power to award attorney fees by contract or by law, (LMAR 3.2.) If the facts of your case provide the right to an award of attorneys fees, please bring documentary support, including your affidavit and time records, to the hearing and present it with your final argument. The attorney fee award will be made as part of the arbitrator's decision.

If you intend to implement RCW 4.84.250, pursuant to an offer of settlement, the procedures outlined in LMAR 6.2(b) will apply unless you have requested a delay in filing the decision to allow for this issue, in which case I will:

a) Announce my award by letter to counsel **within three (3) days of the hearing**. You should then advise promptly that the case involves a 4.84.250 award. I will then schedule a conference call hearing for the 4.84.250 argument which will not be more than seven (7) days after the hearing date.

b) You must deliver to my office by 5:00 p.m. on the day prior to the 4.84.250 hearing all written and documentary support of your right to such an award.

c) The award of attorney fees, if any, will be included in the formal arbitration award which must be filed within fourteen (14) days of the arbitration hearing itself.

9. **POST TRIAL MOTIONS:** The arbitrator is restricted under MAR 6.2 to issues related to attorney fees and correction of obvious errors, the Arbitrator has no power to reconsider the award.

Dated: _____

Arbitrator

COPIES MUST BE SENT TO THE PARTIES AND TO ARBITRATION DEPARTMENT, 516 THIRD AVE E-219, KING COUNTY COURTHOUSE, SEATTLE, WA 98104.

DO NOT FILE WITH CLERK